

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Malcolm H. Mercer,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 4:05-cv-793-TLW
)	
Werner Co.,)	
)	
Defendant.)	
_____)	

ORDER

This case was removed to this Court from the Court of Common Pleas for Horry County, South Carolina on March 14, 2005. (Doc. # 1). It has thus been pending before this Court for over seven years. On August 14, 2012, the Court entered an Order granting the motion to withdraw as counsel filed by the plaintiff's attorney. (Doc. # 87). The Order gave the plaintiff twenty (20) days to notify the Court in writing whether he wished to continue with this case and warned the plaintiff that failure to respond to the Order would result in the case being dismissed with prejudice. (Doc. # 87). The Court directed the Clerk of Court to mail a copy of the Order to the plaintiff, and the docket reflects that a copy was mailed to the plaintiff. (Docs. 87, 88). Twenty days have passed, and the Court has received no response from the plaintiff.

Therefore, this case is hereby **DISMISSED** for failure to prosecute and failure to comply with this Court's orders. See Fed. R. Civ. P. 41(b); Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989). The Clerk of Court is directed to mail a copy of this Order to the plaintiff at the address set

forth in the affidavit of service filed by the plaintiff's former counsel (Doc. # 81, attach. 1), which is 116 Partridgeberry Road, Myrtle Beach, SC 29579, and to any address provided by the plaintiff.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

September 7, 2012
Florence, South Carolina